

# DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

FILE:

B-223180.2

DATE: June 12, 1986

MATTER OF:

Yale Materials Handling Corp.--  
Reconsideration

## DIGEST:

A protest is filed for purposes of General Accounting Office (GAO) timeliness rules when it is received in GAO notwithstanding when it allegedly was mailed. GAO time/date stamp establishes the time of receipt absent other evidence to show actual earlier receipt.

Yale Materials Handling Corp. (Yale) requests that we reconsider our May 23, 1986, dismissal of the firm's protest against the rejection of the proposal it submitted in response to General Services Administration (GSA) solicitation No. 10PN-SDD-0449. We dismissed the protest because it did not meet the requirement in our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(2) (1985), that a protest against other than apparent solicitation improprieties be filed no later than 10 working days after the basis for protest is known. The 10-day period in Yale's case began April 11, when GSA advised Yale that the firm's proposal had been found technically unacceptable, but we did not receive Yale's protest until May 23. Yale, in requesting reconsideration, asserts that it sent the protest to our Office on April 22, the seventh working day after April 11.

A protest is filed for purposes of our timeliness rules when it is received in the General Accounting Office, 4 C.F.R. § 21.2(b), notwithstanding when it allegedly was mailed. Sweepster Jenkins Equipment Co., Inc.--Request for Reconsideration, B-221726.2, Mar. 7, 1986, 86-1 C.P.D. ¶ 276. Moreover, our Office's time/date stamp establishes the time we received protest materials absent other evidence to show actual earlier receipt. Ray Allen Mfg. Co., Inc., B-208853, Sept. 21, 1982, 82-2 C.P.D. ¶ 255. Although Yale's protest letter was dated April 22, our time/date stamp shows receipt on May 23. Since there is no evidence that we received the letter earlier, the protest properly was found untimely.

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Our dismissal of Yale's protest is affirmed.

*for Seymour Efor*  
Harry R. Van Cleve  
General Counsel